

February 24, 2004

BATH WATER DISTRICT
Request for Exemption From
Chapter 81, § 10.2.C.b,
Chapter 86, § 7.B, and
Chapter 870, § 3

ORDER APPROVING AN EXEMPTION
FROM CHAPTER 86, § 7.B AND
CHAPTER 870, § 3; AND DENYING AN
EXEMPTION FROM CHAPTER 81,
§ 10.C.2.b

WELCH, Chairman, DIAMOND, and REISHUS Commissioners

I. SUMMARY

The Commission grants the Bath Water District (District) an exemption from Chapter 86, § 7.B and a waiver from Chapter 870, § 3 to permit a \$20 returned check charge. The Commission denies the District's request for an exemption from Chapter 81, § 10.c.2.b.

II. BACKGROUND AND DECISION

On August 5, 2003, the District filed with the Commission its request for an exemption from Chapter 81, § 10.2.C.b; Chapter 86, § 7.B; and Chapter 870, § 3. We have reviewed the requested exemptions and find that an exemption from Chapter 86, § 7.B and a waiver of Chapter 870, § 3 are appropriate. These will result in a returned check charge of \$20 for checks return by the bank. The charge is based upon a bank charge of \$10 and an internal processing cost of \$10.

The District also requested an exemption from Chapter 81, § 10.2.C.b to permit a collection trip fee of \$20 during business hours and \$66 during non-business hours. The rule establishes a limit of the "lesser of \$10 or the utility's reconnection charge" for the collection trip fee. Only one trip to the premise is required if the customer pays the bill or makes a payment arrangement to prevent disconnection. Receiving payment in this manner leaves the service intact and avoids a second trip to the premise at a later time/date to reconnect the service. The cost of the "collection trip" should not exceed approximately one-half the reconnection charge (approximate cost of disconnection and restoration of a service); therefore, we deny the requested exemption from Chapter 81, § 10.2.C.b.

Accordingly, we

O R D E R

1. That the Bath Water District is hereby granted an exemption from Chapter 86 § 7.B, that will allow the District to collect a \$20.00 returned check charge;
2. That the Bath Water District is hereby granted an waiver of Chapter 870 § 3, that will allow the District to collect a \$20.00 returned check charge;
3. That the Bath Water District shall file a revision to it schedule of Terms and Conditions with the \$20 returned check charge authorized above; and
4. The exemption to Chapter 81, § 10.2.C.b requested by the Bath Water District is denied.

Dated at Augusta, Maine, this 24th day of February 2004

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Diamond
 Reishus

COMMISSIONER ABSENT: Welch

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.